

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ACCEPTANCE INDEMNITY
INSURANCE COMPANY,

Plaintiff

V.

THE LOCAL PUBLIC HOUSE,
LLC D/B/A THE LOCAL PUBLIC
HOUSE BAR & GRILL, CARLY
PAIGE SHOCKEY,

Defendants

Civil Action No. 4:21-cv-801-SDJ

JOINT STIPULATION OF DISMISSAL

Plaintiff Acceptance Indemnity Insurance Company (“Acceptance”) and defendant Carly Paige Shockey (“Shockey”), the only parties who have appeared in this suit, file this stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

1. Whereas, the underlying judgment Shockey obtained against The Local Public House, LLC d/b/a The Local Public House Bar & Grill (“LPH”) was reversed on appeal;

2. Whereas, the Texas Supreme Court denied Shockey's petition for review, and Shockey has exhausted her state court appeals;

3. Whereas, as a result of the foregoing, there is no longer an underlying judgment upon which this Court may adjudicate Acceptance's duty to indemnify;

4. Whereas, Acceptance, having defended LPH in the underlying litigation and having elected not to seek reimbursement of defense costs from LPH, no longer wishes to litigate over whether it owed a duty to defend in the underlying litigation;

5. Whereas, all claims among the parties are therefore moot;

6. Now, therefore, Acceptance and Shockey stipulate to the dismissal of all claims by or against each other in this action for want of subject matter jurisdiction, and agree to bear their own respective attorneys' fees and costs.

7. Acceptance and Shockey are the only parties to appear in this action. As such, this stipulation is effective upon filing pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Respectfully submitted,

By: /s/ Donald A. Waltz (by permission)
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ACCEPTANCE INDEMNITY
INSURANCE COMPANY

CERTIFICATE OF SERVICE

I certify that on August 27, 2024, a true copy of this document is being served upon all counsel of record via the Court's e-filing system.

/s/ Bryan P. Vezey
Bryan P. Vezey